

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

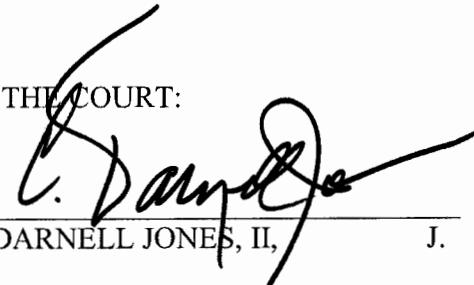
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|-------------------------------|---|--------------|
| ANTONIO S. VALLE,             | : | CIVIL ACTION |
| Petitioner,                   | : |              |
|                               | : |              |
| V.                            | : |              |
|                               | : |              |
| COMMONWEALTH OF PENNSYLVANIA, | : | NO. 14-6590  |
| NORTHAMPTON COUNTY            | : |              |
| Respondents.                  | : |              |

O R D E R

AND NOW, this 14<sup>th</sup> day of April, 2016, upon careful and independent consideration of the petition for a writ of habeas corpus and Petitioner's other submissions, available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus challenging the prosecution and conviction in Case No. CP-48-CR-3985-2010 (Northampton County) is DISMISSED WITH PREJUDICE;
3. A certificate of appealability SHALL NOT issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that the correctness of this ruling is debatable. See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000);
4. The Clerk of the Court shall mark this case CLOSED for statistical purposes; and
5. The Clerk of the Court shall OPEN a new civil action for Petitioner's challenge to his conviction in No. CP-46-CR-8372-2010 (Montgomery County) and shall docket Doc. No. 11 from Civ. A. No. 14-6590 as a filing in that new action.

BY THE COURT:

  
C. DARNELL JONES, II, J.